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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/064,368 | 07/07/2002 | Alexander Stefan | ASTE.02P | 2102 |

23732 7590 05/05/2004

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| EXAMINER |
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RADA, ALEX P

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| ART UNIT | PAPER NUMBER |
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3714

DATE MAILED: 05/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,368

Applicant(s)

STEFAN, ALEXANDER

Examiner

Alex P. Rada

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dabrowski '140.

3. Dabrowski discloses a poker game having the following:

Dealing a player a first five card hand from a first deck of playing cards,
dealing the player a second five card hand from a second deck of playing cards,
identifying to the player a playing card value for each of the playing cards of the first five card hand,
concealing from the player a playing card value for one or more of the playing cards of the second five card hand, in which the examiner interprets the concealing with the option of a toggle from one hand to another (column 7, lines 36-40),
the player selecting either the first hand or the second hand,
identifying to the player a playing card value for each of the playing cards of the second five card hand not previously identified where the player selects the second hand,
the player either standing on the hand selected or discarding one or more cards from the hand selected,
dealing the player replacement cards for the discarded cards, if any,
determining a value for the player's selected hand based on conventional poker hand ranking, and

awarding the player a predetermined amount based on the value of the player's selected hand (summary and column 9, lines 26-40) as recited in claim 1.

The method of claim 1, and further comprising the step of modifying the award to the player where the player selects the second hand as recited in claim 2.

The player's selected hand having value under a conventional poker hand ranking is not awarded a predetermined amount where the player selects the second hand as recited in claim 3.

Each deck of playing cards is a standard 52 card deck (column 9, line 42) as recited in claims 4 and 13.

Each deck of playing cards is a standard 52 card deck plus at least one extra Joker card, which is treated as a wild card (column 9, lines 44-45) as recited in claims 5 and 14.

Each deck of playing cards is a standard 52 card deck with at least one of the cards being treated as a wild card (column 9, lines 47-48) as recited in claims 6 and 15.

The value of the player's selected hand is determined by comparing the poker hand ranking of the player's selected hand to a payout schedule (figures 4-8) as recited in claims 7 and 16.

The predetermined amount based on the value of the player's selected hand is based on a payout schedule (figures 4-8) as recited in claims 8 and 17.

Modifying the payout schedule where the player selects the second hand (figures 4-8) as recited in claim 9.

A previously winning result provided by the payout schedule is removed (figures 4-8) as recited in claim 10.

Electronically displaying to a player a first five card hand from a first deck of playing cards,
electronically displaying a second five card hand from a second deck of playing cards,
the player selecting either the first hand or the second hand,
electronically displaying to the player the second five card hand after the player has selected between the first and the second hands,
the player either standing on the hand selected or discarding one or more cards from the hand selected,
electronically determining a value for the hand selected by the player based on conventional poker hand ranking, and
awarding the player a predetermined amount based on the value of the player's selected hand (column 10, line 53-68) as recited in claim 11.

The second five card hand is displayed to the player only where the second hand is selected, in which the examiner interprets the selection if the player toggles to the hand not selected to play at that time as recited in claim 12.

The player is awarded by accruing credits on a credit meter displayed on the gaming machine (figure 1) as recited in claim 18.

A player wagering at least one coin,
electronically displaying to the player a first five card hand from a first deck of playing cards,
electronically selecting without displaying to the player a second five card hand from a second deck of playing cards,

the player selecting either the first hand or the second hand,
electronically displaying to the player the second five card hand,
the player either standing on the hand selected or discarding one or more cards
from the hand selected,
electronically displaying to the player replacement cards for the discarded cards,
if any,
electronically determining a value for the player's selected hand based on
conventional poker hand ranking, and
paying the player a predetermined amount of coins based on the value of the
player's selected hand (column 10, line 53-68) as recited in claim 19.

The second five card hand is not displayed unless and until its selection by the
player, in which the examiner interprets the selection if the player toggles to the hand
not selected to play at that time as recited in claim 20.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dabrowski `441 and `440, Carrico `407, Matthiesen `657, and Hesse `614 disclose different types of poker with two dealt hands.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Apr


JESSICA HARRISON
PRIMARY EXAMINER